

UNITED STATES DISTRICT COURT

for the

DISTRICT OF MINNESOTA

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Thomas Gobernatz,

Plaintiff,

vs.

Western Express, Inc.

Defendant.

**COMPLAINT**

**Demand for Jury Trial**

Court File No.

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Plaintiff Thomas Gobernatz, as and for his cause of action against Defendant herein, alleges and says:

PARTIES

1. Plaintiff Thomas Gobernatz resides at 520 15th Ave. S.E., Apt. 308, St. Cloud, MN 56304.
2. The registered agent of Defendant Western Express, Inc., is located at 7135 Centennial PL, Nashville, TN 37209.
3. Defendant Western Express, Inc. has its principal place of business at 7135 Centennial Place, Nashville, TN 37209.

JURISDICTION

4. This court has jurisdiction under 28 U.S. Code § 1332.

5. Defendant Western Express, Inc. is incorporated under the laws of the State of Tennessee and has its principal place of business in the State of Tennessee.

6. Plaintiff Thomas Gobernatz is a citizen of the State of Minnesota.

7. The amount in controversy exceeds \$75,000.

#### VENUE

8. The proper venue for this claim is the District of Minnesota, as the events giving rise to the claim occurred in the State of Minnesota.

#### CLAIMS

9. On August 26, 2016, Daniel Wilson-Denis was traveling eastbound on United States Trunk Highway 10 near its intersection with Sherburne County Highway 24 in Clear Lake, Minnesota.

10. Daniel Wilson-Denis was operating a 2017 Freightliner semi-tractor pulling a semi-trailer for his employer, Defendant Western Express, Inc.

11. At said time and place, Plaintiff Thomas Gobernatz was traveling northbound on Sherburne County Highway 24, attempting to turn left to travel westbound on United States Trunk Highway 10.

12. At said time and place, Daniel Wilson-Denis was an employee of Defendant Western Express, Inc., acting within the course and scope of that employment.

13. The 2017 Freightliner semi-tractor that Daniel Wilson-Denis was operating, at said time and place, was owned by Defendant Western Express, Inc.

14. At said time and place, Daniel Wilson-Denis negligently, carelessly, wrongfully, and unlawfully operated the 2017 Freightliner semi-tractor, thereby causing it to collide with the Plaintiff's vehicle.

15. Defendant Western Express, Inc., is legally liable for the above described negligent, careless, wrongful, and unlawful conduct of Daniel Wilson-Denis.

16. Defendant Western Express, Inc., was negligent in its hiring, supervision, and retention of Daniel Wilson-Denis and in its entrustment of the 2017 Freightliner semi-tractor he was operating to Daniel Wilson-Denis. This allegation is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

17. As a direct and proximate result of the negligent, careless, wrongful, and unlawful conduct hereinabove alleged of Daniel Wilson-Denis and of Defendant Western Express, Inc., Plaintiff Thomas Gobernatz sustained serious, permanent, and disabling injuries, including past and future hospital and medical expenses, past loss of income and future diminishment in earning capacity, past and future pain and suffering, as well as past and future loss of enjoyment of life, all to Thomas Gobernatz's damage in an amount in excess of \$75,000.00.

#### REQUEST FOR RELIEF

WHEREFORE, Plaintiff, Thomas Gobernatz, prays that this court enter judgment in his favor and against Defendant in an amount in excess of \$75,000.00 together with interest, costs and disbursements herein.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial on all issues raised in this complaint.

CERTIFICATION

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Dated this 27th day of April, 2021.

HALL LAW, P.A.

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